

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

STELLA MORRISON

VS.

LAYNE WALKER, THE COUNTY OF  
JEFFERSON, TEXAS AND THE STATE  
OF TEXAS

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CASE NO. 1:13-CV-00327

PLAINTIFF'S FIRST AMENDED OPPOSED MOTION FOR LEAVE TO FILE A  
NEW VERSION OF MORRISON'S FIRST AMENDED COMPLAINT, AND  
CERTIFICATE OF CONFERENCE

TO THE HONORABLE UNITED STATES JUDGE OF SAID COURT:

Plaintiff, STELLA MORRISON, files this her First Amended Opposed Motion for Leave to File a New Version of Morrison's Amended Complaint, and Certificate of Conference, and would show unto the Court as follows:

1. Plaintiff seeks leave to file this new version of her First Amended Complaint, pursuant to Fed. R. Civ. P. 15. Plaintiff would show that there is no Scheduling Order in this case, so therefore this Amended Complaint is timely. Through this Motion, Morrison is withdrawing her previous version of her First Amended Complaint and is asking the Court to substitute this version. Morrison is adding two additional Defendants, Tom Maness and Deputy Barker for the reasons set forth in this Amended

Complaint. Furthermore, this Amended Complaint complies with the Magistrate Judge's request for a repleading, to clarify under the four (4) factors in *Ballard v. Wall*, 413 F.3d 510 (5<sup>th</sup> Cir. 2005), her allegations regarding the fabrication of false criminal charges against her, which are set forth in the Amended Complaint, paras. 18-19. Morrison has also clarified the facts pertaining to her allegations regarding Walker's order for Deputy Barker to use force to remove Morrison from the hallway (paras. 20-21), Walker's filing of grievances (paras. 15-17), and the other factual matters in this Amended Complaint. Morrison has also addressed the *Ballard v. Wall* factors for each of those allegations as well.

2. Morrison's new version of her First Amended Complaint supplants entirely her previously filed proposed First Amended Complaint, by omitting Morrison's proposed addition of the other Defendants. The issues regarding retaliation against Morgan can be considered by this Court for a potential enhancement of the recovery of attorneys' fees, if any.

3. Morrison respectfully submits that leave of court should be granted to file this new version of her First Amended Complaint.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that this Court

grant this Amended Motion for Leave to File Amended Complaint, and Certificate of Conference and grant such other and further relief, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

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Attorney for Plaintiff

#### CERTIFICATE OF CONFERENCE

Counsel for Plaintiff contacted counsel for Defendants whom have not responded. Therefore, counsel for Plaintiff assumes counsel for Defendants are opposed to the filing of this new version of Plaintiff's First Amended Complaint.

/s/ John S. Morgan  
JOHN S. MORGAN

# CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing motion has been furnished to the following counsel of record, via e-file, on this 20<sup>th</sup> day of May, 2014:

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Via electronic filing

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/s/ John S. Morgan  
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